

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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SUDHAKARA BABU RAVOORI, : : 13 Civ. 0546 (DLC)
: :
Plaintiff, : : MEMORANDUM OPINION &
-v- : : ORDER ADOPTING
MYTECSOFT, INC., : : REPORT AND
: : RECOMMENDATION
Defendant. : :
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DENISE COTE, District Judge:

On October 23, 2013 Magistrate Judge Gabriel W. Gorenstein issued a Report and Recommendation ("Report") recommending that a so-ordered settlement agreement be enforced against defendant Mytecsoft, Inc. ("Mytecsoft") and non-party Yakkanti Vijaya Ram Reddy ("Reddy") in the amount of \$585,180.03 plus 20% interest per annum. For the following reasons, the Court perceives no error in the Report and the Report is adopted.

BACKGROUND

The parties in the above captioned case -- Sudhakara Babu Ravoori ("Ravoori"), the plaintiff, and Mytecsoft, the defendant -- entered into a settlement agreement which was "so ordered" by the Court on September 4, 2013. The settlement agreement provided that the defendant would pay plaintiff \$585,180.03 by September 30, 2013 by depositing the funds in an escrow account

maintained by the plaintiff's attorney. The agreement provided that if the defendant failed to pay in full by September 30, the plaintiff would be entitled to judgment for the full amount plus 20 percent interest per annum against both Mytescoft, Inc., and non-party Reddy, who is identified as the principal of Mytecsoft. The parties also agreed that this Court would have jurisdiction to enforce the agreement.

On October 4, Ravoori filed a motion alleging that Mytescoft had failed to make the required payment by September 30, and requesting this Court order Mytescoft and Reddy to pay to the plaintiff the sum of \$585,180.03 plus twenty percent interest per year pursuant to a provision of that so-ordered settlement. On October 8, the Court ordered that the matter be referred to the Honorable Gabriel W. Gorenstein, United States Magistrate Judge. Magistrate Judge Gorenstein issued a Report and Recommendation ("Report") on October 23, 2013, finding that judgment should be entered against Mytescoft and Reddy in the amount of the requested \$585,180.03 plus 20% interest per annum. Magistrate Judge Gorenstein noted in his Report that the plaintiff had submitted an affirmation stating that defendant never paid the amount required by the settlement agreement. He further noted that the defendant's attorney had submitted a letter conceding that the defendant had not paid the amount due on the settlement agreement.

Pursuant to 28 U.S.C. § 636(b)(1) and Rule 72(b) of the federal Rules of Civil Procedure, the parties had fourteen (14) days including weekends and holidays from service of Magistrate Judge Gorenstein's Report to file any objections. The time for objections to be filed expired on November 6, 2013, and no objections were filed by either party.

DISCUSSION

When deciding whether to adopt a report, a court "may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge." 28 U.S.C. § 636(b)(1)(C). To accept those portions of the report to which no timely objection has been made, "a district court need only satisfy itself that there is no clear error on the face of the record." Figueroa v. Riverbay Corp., No. 06 Civ. 5364 (PAC), 2006 WL 3804581, at 1 (S.D.N.Y. Dec. 22, 2006) (citation omitted).

Magistrate Judge Gorenstein's Report is supported by the record and there is certainly no "clear error." The defendant concedes that "there is no dispute that [Mytescoft] and [Reddy] executed the settlement agreement." The defendant does not contest that he has not made the payment required under the so-ordered settlement agreement, and asserts as explanation that the defendant "has not been able to obtain the funds in its account" due to purported problems in India. Given that there is no

dispute that the settlement agreement required payment of \$585,180.03 by September 30, 2013, and that the amount has not been paid, Magistrate Judge Gorenstein correctly concluded that judgment must be entered against Mytecsoft and Reddy.

CONCLUSION

The October 23, 2013 Report is adopted. The Clerk of Court shall enter judgment against Mytecsoft and Reddy for \$585,180.03 plus 20% interest per annum. The parties' failure to file written objections precludes appellate review of this decision.

See United States v. Male Juvenile, 121 F.3d 34, 38 (2d Cir. 1997).

SO ORDERED:

Dated: New York, New York
February 14, 2014



DENISE COTE
United States District Judge